

IN THE

MAY 28 1976

## United States Supreme Court

OCTOBER TERM, 1975

MICHAEL RODAN, JR., CLERK

No. 75-1649

HENRY MERRITT FARNUM, Applicant for Admission to  
the Bar of the State of New York,

*Appellant,**against*

COMMITTEE ON CHARACTER AND FITNESS, Supreme Court of  
the State of New York, Appellate Division, First Judicial  
Department,

*Appellee.*

APPEAL FROM THE COURT OF APPEALS OF THE  
STATE OF NEW YORK

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**MOTION TO DISMISS**

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The Committee on Character and Fitness of the Supreme Court of the State of New York, Appellate Division, First Department, moves to dismiss the appeal taken by the petitioner from an order of the New York Court of Appeals, entered on December 22, 1975. The New York Court dismissed petitioner's appeal to that Court, by reason of his failure to prosecute that appeal within nine months after it had been taken (C-46).

**Petitioner Fails to Present a Substantial  
Federal Question**

It is clear from the order of the New York Court of Appeals (C-46) that it passed upon no federal question, constitutional or otherwise. Petitioner had failed to comply with the New York Court of Appeals rule governing its calendar practice. Nor does it appear that even the Appellate Division, First Department, found it necessary to pass upon any federal question (C-1).

**CONCLUSION**

**Since the petition shows no justification for invoking the jurisdiction of this Court, his appeal should be dismissed.**

Dated: New York, New York, May 26, 1976.

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